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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9
10 **AT TACOMA**

11 **MARLA DEERLY,**) Case No.
12)
13 Plaintiff,) **COMPLAINT**
14)
15 vs.)
16)
17 **NATIONAL ACTION FINANCIAL) *JURY TRIAL DEMANDED***
18 **SERVICES, INC.,**)
19)
20 Defendant.)

21 **I. NATURE OF ACTION**

22 1. This is an action for damages brought by an individual consumer for
23 Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. §
24 1692, *et seq.* (hereinafter "FDCPA") and of the Revised Code of Washington,
25 Chapter 19.16, both of which prohibit debt collectors from engaging in abusive,
26 deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of
27 privacy by intrusion, ancillary to Defendant's collection efforts.

28 Complaint - 1

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II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

III. PARTIES

3. Plaintiff, Marla Deerly, is a natural person residing in the State of Washington, County of Kitsap, and City of Poulsbo.

4. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a(3), and a “debtor” as defined by RCW § 19.16.100(11).

5. At all relevant times herein, Defendant, National Action Financial Services, Inc., (“Defendant”) was a company engaged, by use of the mails and telephone, in the business of attempting to collect a “debt” from Plaintiff, as defined by 15 U.S.C. §1692a(5).

6. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6), and a “licensee,” as defined by RCW § 19.16.100(9).

IV. FACTUAL ALLEGATIONS

7. At various and multiple times prior to the filing of the instant complaint, including within the one year preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt. Defendant’s conduct violated the FDCPA and RCW § 19.16 in multiple ways, including but not limited to overshadowing the disclosures required by 15 USC §

1 1692g(a) during the thirty-day dispute period, including threatening to proceed
 2 with further collection activity if the debt is not paid in full, where such threat
 3 was inconsistent with and overshadowed Defendants disclosure in the same letter
 4 of Plaintiffs right to dispute the debt (§ 1692g(b)).
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7 8. Defendant's aforementioned activities, set out in paragraph 8, also
 8 constitute an intentional intrusion into Plaintiff's private places and into private
 9 matters of Plaintiff's life, conducted in a manner highly offensive to a reasonable
 10 person. With respect to the setting that was the target of Defendant's intrusions,
 11 Plaintiff had a subjective expectation of privacy that was objectively reasonable
 12 under the circumstances.
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15 9. As a result of Defendant's behavior, detailed above, Plaintiff
 16 suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation,
 17 embarrassment, mental anguish and emotional distress.
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20 **COUNT I: VIOLATION OF FAIR DEBT**
 21 **COLLECTION PRACTICES ACT**
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23 10. Plaintiff reincorporates by reference all of the preceding paragraphs.
 24

25 **PRAYER FOR RELIEF**

26 WHEREFORE, Plaintiff respectfully prays that judgment be entered
 27 against the Defendant for the following:
 28

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Statutory damages;
- D. Costs and reasonable attorney's fees; and,
- E. For such other and further relief as may be just and proper.

**COUNT II: VIOLATION OF WASHINGTON COLLECTION AGENCY
ACT, WHICH IS A PER SE VIOLATION OF THE WASHINGTON
CONSUMER PROTECTION ACT**

11. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Actual damages;
- B. Discretionary Treble Damages;
- C. Costs and reasonable attorney's fees,
- D. For such other and further relief as may be just and proper.

Respectfully submitted this 28th day of September, 2009.

s/Jon N. Robbins
Jon N. Robbins
WEISBERG & MEYERS, LLC
Attorney for Plaintiff